

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

SEAN D. RIES, JOHN R. MURRAY,  
PHILIP C. HENRY, STEPHEN H.  
WEDEL, and others similarly situated,

Plaintiffs,

v.

Civil Action No. 04-0898

ALLMERICA FINANCIAL  
CORPORATION, ALLMERICA  
FINANCIAL LIFE INSURANCE AND  
ANNUITY COMPANY, and  
FREDERICK H. EPPINGER, JR.,

Judge Hardiman

Defendants.

**STIPULATED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT**

WHEREAS, Counsel for Sean D. Ries, John R. Murray, Philip C. Henry, Stephen H. Wedel, and other similarly situated (the "Plaintiffs") and Counsel for Allmerica Financial Corporation, Allmerica Financial Life Insurance and Annuity Company and Frederick H. Eppinger, Jr., (the "Defendants") file this Stipulated Motion to Extend Time to Respond to Complaint (the "Stipulated Motion") and respectfully represent as follows:

1. On May 12, 2004, Plaintiffs filed an action against the Defendants in the Civil Division of the Court of Common Pleas of Allegheny County, Pennsylvania, entitled Sean D. Ries, et al. v. Allmerica Financial Corporation, et al., Civil Action No. GD-04-9786 (the "Subject Action").

2. On June 15, 2004, Defendants filed a Notice of Removal pursuant to 28 U.S.C. §§ 1441(a)(b) and 1446 and 15 U.S.C. § 78(b)(f)(2) to remove the Subject Action

from state court to the United States District Court for the Western District of Pennsylvania.

3. On June 23, 2004, the parties filed a Stipulation For Extension of Time To File an Answer, Motion or Other Permitted Response to Plaintiffs' Complaint.

4. On June 28, 2004, Defendants Allmerica Financial Corporation and Allmerica Financial Life Insurance and Annuity Company filed a Motion to Transfer seeking to move the case from this Court to the United States District Court for the District of Massachusetts (Worcester Division) pursuant to 28 U.S.C. §1404(a).

5. Plaintiffs and Defendants file this Stipulated Motion requesting that the Court extend the time for Defendants to file an Answer, Motion or other Permitted Response to Plaintiffs' Complaint until after the Court determines the venue where this case will proceed. The parties file this Stipulated Motion because they believe that the Court's determination on the Transfer Motion may likely effect the Motions or Responses to be filed in this action.

WHEREFORE, the parties agree that the Defendants should be given twenty-one (21) days following the Court's resolution of the pending Motion to Transfer to file an Answer, Motion or other responsive pleading to Plaintiff's Complaint.

TUCKER, ARENSBURG, P.C.



William C. Ries, Esq.

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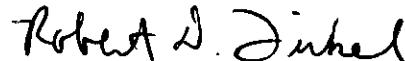
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Attorneys for Defendants

Dated: July 7, 2004

Of Counsel

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*For Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the within Consent to Motion to Proceed was served on the 6th day of July, 2004 by first-class mail, postage prepaid, upon the following counsel of record::

Jonathan McAnney, Esq.  
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**ORDER OF COURT**

AND NOW, to-wit, this 12<sup>th</sup> day of July, 2004, upon consideration of the Stipulated Motion to Extend Time to Respond to Complaint, it is hereby Ordered, Adjudged and Decreed that the Defendants are given twenty-one (21) days to file an Answer, Motion or other responsive pleading to Plaintiff's Complaint following the Court's resolution of the pending Motion to Transfer.

BY THE COURT:

Thos M. Hardiman, J.

cc: All parties of record. DC